

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FARAH JEAN FRANCOIS,

Case No.: 1:22-cv-4447-JSR

Plaintiff,

-against-

**SPARTAN AUTO GROUP LLC d/b/a
VICTORY MITSUBISHI,
STAVROS ORSARIS,
YESSICA VALLEJO, and
DAVID PEREZ,**

Defendants.

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CERTIFICATION OF JODY THOMAS LÓPEZ-JACOBS

I, JODY THOMAS LÓPEZ-JACOBS, an attorney admitted to practice in Pennsylvania and New Jersey, certify the following to be true and correct:

1. I am an adult individual and counsel for Plaintiff in the above-captioned action.

This Certification is submitted in support of Plaintiff's Motion for Attorney Fees and Costs.

2. I am admitted to the bars of the United States Court of Appeals for the Third Circuit, the Eastern District of Pennsylvania, the Western District of Pennsylvania, the Middle District of Pennsylvania, and the District of New Jersey. I am also admitted to the bars of the Commonwealth of Pennsylvania and the State of New Jersey.

3. I began working at Flitter Milz as an Associate in September 2017. During my time at the firm, I have litigated dozens of consumer cases, including several class actions, resulting in millions of dollars and other relief for thousands of consumers. I have been selected as a Rising Star and top-rated consumer law attorney by Super Lawyers (2021-2024).

4. I have provided several presentations/lectures on matters of consumer law at national conferences hosted by consumer-oriented organizations such as the NATIONAL ASSOCIATION OF CONSUMER ADVOCATES and the NATIONAL CONSUMER LAW CENTER.

5. Prior to working at Flitter Milz, I served as a Judicial Law Clerk for the Honorable Mark A. Kearney of the U.S. District Court for the Eastern District of Pennsylvania.

6. My Curriculum Vitae is appended to this Certification. It sets forth a more detailed description of my publications, awards, and experience.

7. **Market Rate.** My hourly rate for 2024 is \$390, an 8.3% increase from my 2023 rate. This represents a fair and reasonable market rate for an attorney of my experience and credentials and is currently the rate the firm typically charges and receives for my services. My rate is within the range of rates used by Community Legal Services of Philadelphia for attorneys of my experience (7+ years). *See* <https://clsphila.org/about-community-legal-services/attorney-fees/> (last visited Aug 15, 2024) (\$320-\$415 for attorneys with 6-10 year's experience).¹

My hourly rate for 2023 was \$360 per hour, a 6% increase from my 2022 rate.

My billing rate for 2022 was \$335 per hour, a 6% increase from my 2021 rate. My 2022 rate was approved in a New Jersey Consumer Fraud Act case by Hon. Stanley Bergman, Jr., JSC in the Superior Court of New Jersey, Atlantic County, in *Palmer et al. v. Flagship Resort Development Corp.*, ATL-L-001515-19 (modified award, on contest, dated April 17, 2023).

¹ The Third Circuit has held that the fee schedule published by Community Legal Services of Philadelphia is a useful benchmark for determining a reasonable rate. *Maldonado v. Houstoun*, 256 F.3d 181, 187-88 (3d Cir. 2001).

My billing rate for 2021 was \$315 per hour, a 6% increase from my 2020 rate. This rate was approved without opposition by Judge Harvey Bartle III of the Eastern District of Pennsylvania in *Hutchins v. Mountain Run Solutions, LLC*, No. 2:20-cv-05853 (ECF 25; Order dated Jan. 3, 2022).

My billing rate for 2020 was \$295 per hour, a 6% increase from my 2019 rate. My billing rate for 2019 was \$275 per hour, which was approved without opposition by Chief Judge Connor of the Middle District of Pennsylvania in *Onafalujo v. D&K Auto Sales & Servs., LLC*, No. 18-408, 2019 WL 1515061, at *6 (M.D. Pa. Apr. 8, 2019).

My 2019 rate of \$275 was also approved by Judge Gibson in *Hyman v. Devlin*, No. 17-89, 2019 WL 2271113, at *9 (W.D. Pa. May 28, 2019) and Judge McHugh in *Earley v. JMK Associates*, No. 18-760, 2020 WL 1875535 (E.D. Pa. Apr. 15, 2020).

My 2017 rate of \$240 was approved by Judge Savage of the Eastern District of Pennsylvania. *Homer v. Law Offices of Frederic I. Weinberg & Assocs., P.C.*, No. 17-880, 2018 WL 2239556, at *3 (E.D. Pa. May 16, 2018) (\$240 – 2017 rate).

I certify under penalty of perjury that the foregoing is true and correct.

Date: December 3, 2024

s/Jody T. López-Jacobs
JODY THOMAS LÓPEZ-JACOBS

EDUCATION

Temple University Beasley School of Law, Philadelphia, PA – Juris Doctor – May 2015 – Top 10%

Honors: Magna Cum Laude
Order of the Coif
Fellow, Rubin Public Interest Law Honor Society
Superior performance (S+) in Integrated Trial Advocacy Program

Awards: Nat N. Wolfsohn Memorial Award in Real Property
Beasley Scholarship Recipient

Activities: Editorial Board (Research Editor), Temple Law Review
Personal Advisor to a student accused of sexual assault, harassment, and stalking
Research Assistant, Professor Laura E. Little
Student Representative, Barbri

Millersville University, Lancaster, PA – B.A. Sociology – Minor in Government & Political Affairs – May 2011 – GPA: 3.84

Honors: Dean's List

Awards: Sociology/Anthropology Department Senior Award for Excellence
Drs. George F. and Helen A. '64 Stine Sociology Award

LEGAL EXPERIENCE

Flitter Milz, P.C., Narberth, PA

September 2017–Present

Associate Attorney

- Litigating in federal and state courts under consumer rights statutes such as the FDCPA, FCRA, UTPCPL, and UCC.
- Contributing to annual supplements to the PENNSYLVANIA CONSUMER LAW treatise.
- Representing litigants pro bono in debt defense, landlord-tenant, and foreclosure defense cases.

U.S. District Courts for the Eastern and Western Districts of Pennsylvania, Philadelphia, PA

August 2016–August 2017

Law Clerk for Judge Mark A. Kearney

- Overseeing an average of 40 civil/criminal cases situated in the Eastern, Western, and Middle U.S. Districts Courts of PA.
- Drafting orders and opinions resolving motions for summary judgment, motions to dismiss, motions in limine, motions for final approval of class action settlement, preliminary injunctions, temporary restraining orders, etc.
- Drafting orders and opinions in cases involving employment discrimination, constitutional violations, class actions, RICO claims, contract disputes, personal injury, IDEA claims, habeas corpus, social security disability, and the Federal Rules.

Servicio Nacional de Aprendizaje (SENA), Republic of Colombia

February 2016–June 2016

English Teaching Fellow

- Taught English to more than seven classes of Colombian vocational school students.
- Prepared lesson plans, both collaboratively with coteachers and independently.

Friedman & Houlding, LLP, New York, NY

September 2015–January 2016

Attorney

- Assisted on a race-based hostile work environment case filed by 37 plaintiff-employees against their employer in the E.D. Va.
- Prepared responses to interrogatories and requests for production of documents for 37 plaintiffs.

Philadelphia Housing Court, Philadelphia, PA

January 2015–May 2015

Court-Appointed Mediator

- Assisted unrepresented landlords and tenants in resolving disputes in a free ADR diversion program (two disputes per week).
- Drafted written settlement agreements between the parties and explained the agreements to the parties.

Judicial Intern for Chief Judge Petrese B. Tucker

- Wrote opinions and researched issues to resolve summary judgment motions, attorney fee petitions, and other matters.

Sheller Center for Social Justice, Philadelphia, PA**September 2014–May 2015***Certified Legal Intern*

- Represented and counseled a non-English speaking worker in federal court for claims of unpaid wages and retaliation.
- Wrote a memorandum for a local nonprofit regarding the validity of class action waivers under the Federal Arbitration Act, an issue the U.S. Supreme Court granted certiorari on January 13, 2017 (*NLRB v. Murphy Oil USA, Inc.*, 16-307).
- Conducted a study and prepared a white paper on PA law enforcement practices regarding the issuance of ICE detainees.

United States District Court for the Eastern District of Pennsylvania, Philadelphia, PA**June 2014–September 2014***Certified Legal Intern for the Supervision to Aid Reentry (STAR) Program (volunteer)*

- Counseled individuals on supervised release regarding their traffic matters and other legal matters.

Galfand Berger, LLP, Philadelphia, PA**January 2014–August 2014***Law Clerk*

- Researched and wrote motions on topics including products liability, forum non conveniens, workers' compensation, etc.
- Prepared pleadings in PA state court, including a complaint for thirty-two plaintiff-employees who were not paid wages.
- Interviewed clients and prepared written case assessments.

Pennsylvania Innocence Project, Philadelphia, PA**January 2014–May 2014***Clinical Intern*

- Investigated the claim of innocence of an individual serving a life sentence for murder.
- Reviewed evidence and prepared a report analyzing the claim of innocence and discerning areas of possible future investigation.
- Researched and wrote arguments for motions involving DNA testing under the Pennsylvania Post Conviction Relief Act.

Superior Court of Pennsylvania, Philadelphia, PA**May 2013–August 2013***Judicial Intern for Justice James J. Fitzgerald, III*

- Wrote opinions and prepared legal memoranda on all manner of issues in civil and criminal appeals.

Triquetra Law, Lancaster, PA**May 2011–August 2012***Litigation Paralegal*

- Researched and wrote on topics including Title VII, the ADAAA, the ADEA, the FLSA, and 42 U.S.C. §§ 1981, 1983.
- Prepared administrative filings for the EEOC and PHRC, pleadings, motions, briefs, and discovery requests/responses.
- Interviewed new and existing clients, reviewed depositions, organized evidence for filing in court and for trial.

AWARDS

- Super Lawyers “Rising Star,” 2021, 2022, 2023, 2024
- Community Legal Services of Philadelphia Equal Justice Award to Flitter Milz, 2023
- Second place, American Bar Association Section of Labor & Employment Law Writing Competition, 2014
- Award Recipient, Judicial Internship Opportunity Program, 2013

PUBLICATIONS

- Jody Thomas López-Jacobs, *Storytelling Tips for Lawyers*, THE PENNSYLVANIA LAWYER (Sept./Oct. 2019)
- Jody Thomas López-Jacobs, *First But Not the Last: Judge Cathy Bissoon*, HOUSTON’S LEGACY (Pa. Bar Assoc. Spring 2019)
- COLE ET AL., A MOVEMENT AWAY FROM ICE DETAINERS IN PENNSYLVANIA (2015)
- Jody Thomas López-Jacobs, Comment, *Is There a Border Exception to the Exclusionary Rule?*, 87 TEMP. L. REV. 611 (2015)
- Jody López-Jacobs, *Who Owns the Tips?* (2014) (published on the College of Labor and Employment Lawyers website)

- Pennsylvania (passed on first attempt)
- New Jersey (passed on first attempt)
- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Middle District of Pennsylvania
- United States District Court for the Western District of Pennsylvania
- United States District Court for the District of New Jersey
- United States District Court for the Central District of Illinois

CLASS COUNSEL

- *Lantych v. Flagship Resort Development Corp.*, ATL-L-000744-23 (N.J. Super. July 23, 2024) (certified on contest).
- *Bolton v. New Alliance Fed. Credit Union*, No. 10318 OF 2023, 2024 WL 1771864 (Pa. CCP Beaver Co. Apr. 15, 2024) (certified on contest).
- *Bodor v. Maximus Fed. Servs., Inc.*, No. 5:19-cv-05787 (E.D. Pa. Feb. 9, 2024) (class settlement).
- *Ibeleme v. Freedom Credit Union*, June Term, 2021, No. 02461 (Pa. CCP Phila. Co. Sept. 18, 2023) (class settlement).
- *Guyse v. Fort Fin. Credit Union*, No. 02C01-1806-PL-000218 (Allen Co., IN Circuit Court Aug. 24, 2023) (class settlement).
- *Zentner v. Brenner Car Credit, LLC*, No. 20-1193 (Pa. CCP Lycoming Co. Aug. 14, 2023) (class settlement).
- *Taggart v. Eagle One Federal Credit Union*, Aug. Term, 2021, No. 00965 (Pa. CCP Phila. Co. July 26, 2023) (class settlement).
- *Lundy v. Diamond Credit Union*, Apr. Term, 2021, No. 01154 (Pa. CCP Phila. Co. July 14, 2023) (class settlement).
- *Haddad v. West-Aircomm Federal Credit Union*, No. GD-19-008596 (Pa. CCP Allegheny Co. June 9, 2023) (class settlement).
- *Atterbury v. Earn Company*, Apr. Term, 2021, No. 00637 (Pa. CCP Phila Co. Apr. 18, 2023) (certified on contest).
- *Lane v. Ardent Credit Union*, Feb. Term, 2020, No. 00450 (Pa. CCP Phila Co. Dec. 2, 2022) (certified on contest).
- *Cameron v. Clearview Federal Credit Union*, No. GD-19-012804 (Pa. CCP Allegheny Co. Oct. 28, 2022) (class settlement).
- *Chipeco v. Five Star Bank*, May Term, 2017, No. 02466 (Pa. CCP Phila Co. Sept. 30, 2021) (certified on contest).
- *Mwangi v. Service 1st Fed. Credit Union*, No. 2019-792 (Pa. CCP Luzerne Co. Oct. 15, 2021) (class settlement).
- *Norman v. Trans Union, LLC*, 479 F. Supp. 3d 98 (E.D. Pa. 2020) (certified on contest), *pet. for permission to appeal denied*, No. 20-8033, 2020 WL 6393900 (3d Cir. Sept. 15, 2020).
- *Schultz v. Midland Credit Mgmt., Inc.*, No. 16-4415, 2020 WL 3026531 (D.N.J. June 5, 2020) (certified on contest).
- *Farley v. Pa. State Employees Credit Union*, June Term, 2017, No. 001889 (Pa. CCP Phila. Co. May 19, 2020) (class settlement).
- *Sharpe v. Midland Funding*, No. 16-06256 (E.D. Pa. Oct. 15, 2019) (class settlement).
- *Eastman v. TD Bank*, No. OCN-L-002588-17 (N.J. Super. Law Div. Ocean Co. Sept. 13, 2019) (class settlement).
- *Mccalvin, et al. v. Condor Holdco Securitization Trust*, No. 17-1350 (E.D. Pa. Nov. 6, 2018) (class settlement).
- *Benefield v. ESSA Bancorp, Inc.*, Sept. Term, 2016, No. 001381 (Pa. CCP Phila. Co. May 16, 2018) (class settlement).

Notable Appeals

- *Five Star Bank v. Chipeco*, 312 A.3d 910 (Pa. Super. Ct. 2024) (holding borrowers had statutory standing under the UCC without proof of additional harm).
- *Ingram v. Experian Info. Sols., Inc.*, 83 F.4th 231 (3d Cir. 2023) (reversing grant of summary judgment; holding credit furnisher lacks discretion to decide a credit dispute is frivolous or irrelevant under the FCRA).
- *Hyman v. Cap. One Auto Fin.*, 826 F. App'x 244 (3d Cir. 2020) (holding police officer not entitled to qualified immunity for aiding a private repossession).
- *Knight v. Vivint Solar*, 243 A.3d 956 (N.J. App. Div. 2020) (reversing trial court's grant of motion to compel arbitration), *cert. den.*, 246 N.J. 222 (N.J. 2021).

LECTURES/ PRESENTATIONS

- “Personal Jurisdiction in the wake of *Mallory v. Norfolk Southern* and Rule 7.1 corporate disclosures amendment,” The Consumer Rights Litigation Conference and Consumer Class Action Symposium, NATIONAL CONSUMER LAW CENTER & NATIONAL ASSOCIATION OF CONSUMER ADVOCATES (Oct. 29, 2023).
- “Consumer Protection Law and Litigation,” LANCASTER BAR ASSOCIATION (Apr. 13, 2023).
- “How to Get Evidence to Prove Willfulness,” NACA Spring Training, NATIONAL ASSOCIATION OF CONSUMER ADVOCATES (May 4, 2023).
- “State of Solar Fraud in New Jersey,” 2023 Basic Consumer Law Training, LEGAL SERVICES OF NEW JERSEY (Mar. 21, 2023).
- “New Trends in Identity Theft,” NACA Spring Training, NATIONAL ASSOCIATION OF CONSUMER ADVOCATES (May 13, 2022).

- “Discovery Confidentiality,” NATIONAL ASSOCIATION OF CONSUMER ADVOCATES (FEB. 22, 2022).
- “Repossessions: FDCPA Claims, Breach of the Peace, and Big Verdicts,” The Consumer Rights Litigation Conference and Class Action Symposium, NATIONAL CONSUMER LAW CENTER (Nov. 16, 2019).
- “Protecting a Consumer’s Rights,” Financial Literacy & Entrepreneurial Empowerment Symposium, TEMPLEUNIV. (Sept. 29, 2017).